

## **APPENDIX I**

### **Acts of the General Assembly of Virginia**

**(Extra Session 1956)**

#### **CHAPTER 31**

Be it enacted by the General Assembly of Virginia:

1. § 1. As used in this act the term "person" shall mean any individual, partnership, corporation or association, whether formally or informally organized. "Party" shall include an amicus curiae.

§ 2. No person shall engage in the solicitation of funds from the public or any segment thereof when such funds will be used in whole or in part to commence or to prosecute further any original proceeding, unless such person is a party or unless he has a pecuniary right or liability therein, nor shall any person expend funds from whatever source received to commence or to prosecute further any original proceeding, unless such person is a party or has a pecuniary right or liability therein, until any person shall first:

(1) If a partnership, corporation or association, file annually, in the month of January or within sixty days after the engaging in of any activity subject to this act, with the clerk of the State Corporation Commission (a) a certified copy of the charter, articles of agreement or association, by-laws or other documents creating, governing or regulating the operations of such partnership, corporation or association if not of record in the office of the State Corporation Commission; (b) a certified list of the names and addresses of the officers, directors, stockholders, members, agents and employees or other persons acting for or in behalf of such partnership, corporation or association; (c) a certified statement showing the source of each and every

contribution, membership fee, dues payment or other item of income or other revenue of such partnership, corporation or association during the preceding calendar year and if required by the State Corporation Commission the name and address of each and every person or corporation or association making any donation or contribution; (d) a certified statement showing in detail by each transaction the expenditures of such partnership, corporation or association during the preceding calendar year, the objects for which made and any other information relative thereto required by the State Corporation Commission; and (e) a certified statement showing the locations of each office or branch of such partnership, corporation or association, and the counties and cities in which it proposes to or does finance or maintain litigation to which it is not a party.

(2) If an individual, file annually with the clerk of the State Corporation Commission (a) the home and each business address of such individual; (b) the name and address of any partnership, corporation or association for whom such individual acts or purports to act; (c) the names and addresses of all directors and officers of any such partnership, corporation or association; (d) a certified statement showing the source of each and every contribution, dues payment or membership fee collected by such individual during the preceding calendar year; and (e) a certified statement showing in detail by each transaction the expenditures made by such individual for the purpose of financing or maintaining litigation to which such individual is not a party.

§ 3. If any individual shall violate any provisions of this act he shall be guilty of a misdemeanor and may be punished as provided by law. If any partnership, corporation or association violates any provision of this act it may be

financed not more than ten thousand dollars, and if a foreign corporation or association shall be denied admission to do business in Virginia, if not admitted, and if admitted, shall have its authority to do business in Virginia revoked.

§4. Any individual, acting for himself or as an agent or employee of any partnership, corporation or association, who shall file any statement, certificate or report required by this act, knowing the same to be false or fraudulent, shall be guilty of a felony and punished as provided in §§ 18-238 and 18-239 of the Code.

§5. Any individual acting as an agent or employee of any partnership, corporation or association in any activity in violation of this act shall be guilty of a misdemeanor and may be punished as provided by law.

§6. Any court of record having civil jurisdiction shall have power to enjoin violations of this act. A violation shall be deemed to have occurred in any county or city in which any partnership, corporation or association expends funds to commence, prosecute or further any judicial proceeding to which it is not a party or in which it has no pecuniary right or liability, or in which county or city it solicits, accepts or receives any money or thing of value to be used for such purpose, without having filed the information required in §2, and the court or judge hearing the application shall have power to enjoin the violator from any violation of this act anywhere in this State.

§7. In any case in which a citizen files a statement with the Attorney General, alleging on information and belief that a violation of this act has occurred and the particulars thereof are set forth, the Attorney General, after investigation and a finding that the complaint is well founded, shall institute proceedings in the Circuit Court of the city of

Richmond for an injunction to restrain the violation complained of, and such court is hereby vested with jurisdiction to grant the same.

§8. If a fine is imposed on any partnership, corporation or association for violation of the provisions of this act, each director and officer of such corporation or association, each member of the partnership, and those persons responsible for the management or control of the affairs of such partnership, corporation or association may be held jointly and severally personally liable for payment of such fine.

2. An emergency exists and this act is in force from its passage.

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## CHAPTER 32

Be it enacted by the General Assembly of Virginia:

1. §1. The continued harmonious relations between the races are hereby declared essential to the welfare, health and safety of the people of Virginia. It is contrary to the public policy of the State to permit those conditions to arise between the races which impede the peaceful co-existence of all peoples in the State and it is the duty of the government of the State to exercise all available means and every power at its command to prevent the same so as to protect its citizens from any dangers, perils and violence which would result from interracial tension and unrest and possible violations of Article 2 of Chapter 4 of Title 18 of the Code of Virginia. It is therefore further declared that it is vital to the public interest that information to the extent and in the manner hereinafter provided be obtained with respect to persons, firms, partnerships, corporations and associations whose activities are causing or may cause interracial tension and unrest.

§2. Every person, firm, partnership, corporation or association, whether by or through its agents, servants, employees, officers, or voluntary workers or associates, who or which engages as one of its principal functions or activities in the promoting or opposing in any manner the passage of legislation by the General Assembly in behalf of any race or color, or who or which has as one of its principal functions or activities the advocating of racial integration or segregation or whose activities cause or tend to cause racial conflicts or violence, or who or which is engaged or engages in raising or expending funds for the employment of counsel or payment of costs in connection with litigation in behalf of any race or color in this State, shall, within sixty days after the effective date of this act and annually within sixty days following the first of each year thereafter, cause his or its name to be registered with the clerk of the State Corporation Commission, as hereinafter provided; provided that in the case of any person, firm, partnership, corporation, association or organization, whose activities have not been of such nature as to require it to register under this act, such person, firm, partnership, corporation, association or organization, within sixty days following the date on which he or it engages in any activity making registration under this act applicable, shall cause his or its name to be registered with the clerk of the State Corporation Commission, as hereinafter provided; and provided, further, that nothing herein shall apply to the right of the people peaceably to assemble and to petition the government for a redress of grievances, or to an individual freely speaking or publishing on his own behalf in the expression of his opinion and engaging in no other activity subject to the provisions hereof and not acting in concert with other persons.

§3. At the time of such registration, the following in-



formation as to the preceding twelve month period shall be furnished under oath and filed in such clerk's office:

If the registrant is an individual, firm or partnership, the home and each business address of such individual or member of the firm or partnership, the source or sources of any funds received or expended for the purposes set forth in §2 of this act, including the name and address of each person, firm, partnership, association or corporation making any contribution, donation or gift for such purposes; and an itemized statement of expenditures for such purposes in detail.

If the registrant is a firm, partnership, corporation, association or organization, the business addresses of the principal and all branch offices of the registrant; the purpose or purposes for which such firm, partnership, corporation, association or organization was formed; if not already filed, a certified copy of the charter, articles of agreement or association, by-laws or other documents governing or regulating the operations of such firm, partnership, corporation or association; the names of the principal officers, the names and addresses of its agents, servants, employees, officers or voluntary workers or associates by or through which it carries on or intends to carry on the activities described in §2 of this act in this State; a list of its stockholders or members in this State and their addresses; a financial statement showing the assets and liabilities of the registrant and the source or sources of its income, itemizing in detail any contributions, donations, gifts or other income, and from what source or sources received during the calendar year preceding such initial registration and each year thereafter; and a list of its expenditures in detail for the same period.

§4. The clerk of the State Corporation Commission shall

prepare and keep in his office the files containing the information required by §§ 2 and 3. Such records shall be public records and shall be open to the inspection of any citizen at any time during the regular business hours of such office.

§ 5. (a) Any person, firm or partnership who or which engages in the activities described in § 2 of this act without first causing his or its name to be registered and information to be filed as herein required shall be guilty of a misdemeanor and punished accordingly.

(b) Any corporation, association or organization which shall engage in any activity described in § 2 of this act without first causing its name to be registered and information to be filed as herein required shall upon conviction be fined not exceeding ten thousand dollars.

(c) Any person, acting for himself or as agent or employee of any firm, partnership, corporation or association, who shall file any statement, certificate or report required by this act, knowing the same to be false or fraudulent, shall be guilty of a felony and punished as provided in §§ 18-238 and 18-239 of the Code.

(d) When any corporation or association, upon conviction of violation of the provisions of this act, has been sentenced to payment of a fine, and has failed to promptly pay the same, both the corporation or association and each officer and director and those persons responsible for the management or control of the affairs of such corporation or association may be held liable jointly and severally for such fine.

(e) Each day's failure to register and file the information required by § 2 shall constitute a separate offense and be punished as such.

§ 6. Any person, firm, partnership, corporation or asso-

ciation engaging in any activity described in § 2 of this act without complying with this act may be enjoined from continuing in any such activity by any court of competent jurisdiction.

§ 7. In any case in which a citizen files a statement with the Attorney General alleging on information and belief that a violation of this act has occurred and the particulars thereof are set forth, the Attorney General after investigation and a finding that the complaint is well founded shall institute proceedings in the Circuit Court of the City of Richmond for an injunction to restrain the violation complained of, and such court is hereby vested with jurisdiction to grant the same.

§ 8. If any one or more sections, clauses, sentences or parts of this act shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause or provision of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

§ 9. This act shall not apply to persons, firms, partnerships, corporations or associations who or which carry on such activity or business solely through the medium of newspapers, periodicals, magazines or other like means which are or may be admitted under United States postal regulations as second-class mail matter in the United States mails as defined in Title 39, § 224, United States Code Annotated, and/or through radio, television or facsimile broadcast or wire service operations. This act shall also not apply to any person, firm, partnership, corporation, association,



organization or candidate in any political election campaign, or to any committee, association, organization or group of persons acting together because of activities connected with any political campaign.

## CHAPTER 35

Be it enacted by the General Assembly of Virginia:

### 1. § 1. Definitions.

(a) "Barratry" is the offense of stirring up litigation.

(b) A "barrator" is an individual, partnership, association or corporation who or which stirs up litigation.

(c) "Stirring up litigation" means instigating or attempting to instigate a person or persons to institute a suit at law or equity.

(d) "Instigating" means bringing it about that all or part of the expenses of the litigation are paid by the barrator or by a person or persons (other than the plaintiffs) acting in concert with the barrator, unless the instigation is justified.

(e) "Justified" means that the instigator is related by blood or marriage to the plaintiff whom he instigates, or that the instigator is entitled by law to share with the plaintiff in money or property that is the subject of the litigation or that the instigator has a direct interest in the subject matter of the litigation or occupies a position of trust in relation to the plaintiff; or that the instigator is acting on behalf of a duly constituted legal aid society approved by the Virginia State Bar which offers advice or assistance in all kinds of legal matters to all members of the public who come to it for advice or assistance and are unable because of poverty to pay legal fees.

(f) "Direct interest" means a personal right or a pecuniary right or liability.

This act shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not protect the client from payment of the costs and expenses of litigation, nor shall this act apply to any matter involving annexation, zoning, bond issues, or the holding or results of any election or referendum, nor shall this act apply to suits pertaining to or affecting possession of or title to real or personal property, regardless of ownership, nor shall this act apply to suits involving the legality of assessment or collection of taxes or the rates thereof, nor shall this act apply to suits involving rates or charges or services by common carriers or public utilities, nor shall this act apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Virginia State Bar, nor to proceedings to abate nuisances. Nothing herein shall be construed to be in derogation of the constitutional rights of real parties in interest to employ counsel or to prosecute any available legal remedy under the laws of this State.

§2. It shall be unlawful to engage in barratry.

§3. A person found guilty of barratry, if an individual, shall be guilty of a misdemeanor, and may be punished as provided by law; and if a corporation, may be fined not more than ten thousand dollars. If the corporation be a foreign corporation, its certificate of authority to transact business in Virginia shall be revoked by the State Corporation Commission.

§4. A person who aids and abets a barrator by giving money or rendering services to or for the use or benefit of

the barrator for committing barratry shall be guilty of barratry and punished as provided in § 3.

§ 5. Courts of record having equity jurisdiction shall have jurisdiction to enjoin barratry. Suits for an injunction may be brought by the Attorney General or the attorney for the Commonwealth.

§ 6. Conduct that is made illegal by this act on the part of an attorney at law or any person holding a license from the State to engage in a profession is unprofessional conduct. Upon hearing pursuant to the provisions of § 54-74 of the Code, or other statute applicable to the profession concerned, if the defendant be found guilty of barratry, his license to practice law or any other profession shall be revoked for such period as provided by law.

2. An emergency exists and this act is in force from its passage.

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## APPENDIX II

### The North Carolina Statute

The Act of March 29, 1957, is as follows:

Sec. 1. Every person presenting himself for registration shall be able to read and write any section of the Constitution of North Carolina in the English language. It shall be the duty of each registrar to administer the provisions of this section.

Sec. 2. Any person who is denied registration for any reason may appeal the decision of the registrar to the county board of elections of the county in which the precinct is located. Notice of appeal shall be filed with the registrar

who denied registration, on the day of denial or by 5:00 p. m. on the day following the day of denial. The notice of appeal shall be in writing, signed by the appealing party, and shall set forth the name, age and address of the appealing party, and shall state the reasons for appeal.

Sec. 3. Every registrar receiving a notice of appeal shall promptly file such notice with the county board of elections, and every person appealing to the county board of elections shall be entitled to a prompt and fair hearing on the question of such persons' right and qualifications to register as a voter. A majority of the members of the board shall be the decision of the board. All cases on appeal to a county board of elections shall be heard de novo, and the board is authorized to subpoena witnesses and to compel their attendance and testimony under oath, and is further authorized to subpoena papers and documents relevant to any matter pending before the board. If at the hearing the board shall find that the person appealing from the decision of the registrar is able to read and write any section of the Constitution of North Carolina in the English language and if the board further finds that such person meets all other requirements of law for registration as a voter in the precinct to which application was made, the board shall enter an order directing that such person be registered as a voter in the precinct from which the appeal was taken. The county board of elections shall not be authorized to order registration in any precinct other than the one from which an appeal has been taken. Each appealing party shall be notified of the board's decision in his case not later than ten (10) days after the hearing before the board.

Sec. 4. Any person aggrieved by a final order of a county board of elections may at any time within ten (10) days from the date of such order appeal therefrom to the

Superior Court of the county in which the board is located. Upon such appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard de novo in the superior court in the same manner as other civil actions are tried and disposed of therein. If the decision of the court be that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that such person is entitled to be registered as a qualified voter in the precinct to which application was originally made, and in such case the name of such person shall be entered on the registration books of that precinct. The court shall not be authorized to order the registration of any person in a precinct to which application was not made prior to the proceeding in court. From the judgment of the superior court an appeal may be taken to the Supreme Court in the same manner as other appeals are taken from judgments of such court in civil actions.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective upon its ratification.

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### **APPENDIX III**

#### **The Alabama Statute**

**Be It Enacted by the Legislature of Alabama:**

Section 1. As used in this act the term "labor union or labor organization" means any organization of any kind, in which employees participate for the purpose of dealing with one or more employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and the term "public employee" means any person



whose compensation is derived in whole or in part from the State, or any agency, board, bureau, commission or institution thereof.

Section 2. Any public employee who joins or participates in a labor union or labor organization, or who remains a member of, or continues to participate in, a labor union or labor organization thirty days after the effective date of this act, shall forfeit all rights afforded him under the State Merit System, employment rights, re-employment rights, and other rights, benefits, or privileges which he enjoys as a result of his public employment.

Section 3. This act shall not apply to persons employed as teachers by any county or city board of education or trade schools or institutions of higher learning, nor shall it apply to those employees of the State Docks Board referred to in Title 38, Section 17, of the Code of Alabama, 1940, nor shall it apply to employees of cities or counties.

Section 4. Any public employee who prior to the passage of this act or to his public employment belonged to a labor union or labor organization and as a result thereof has acquired insurance benefits or any other financial benefits may continue to participate in such labor union or labor organization to the extent that he shall not lose any benefits thus acquired.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.